

Patent

**RECEIVED
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MAR 21 2008**Customer No.: 31561
Docket No.: 12445-US-PA
Application No.: 10/709,605**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Applicant : Wang et al.
Application No. : 10/709,605
For : HANDHELD ELECTRONIC DEVICE
Notice of Abandonment Mailed : February 26, 2008
Art Unit : 2622
Examiner : HERNANDEZ, NELSON D.

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT AND REVIVE
APPLICATION UNDER 37 CFR 1.181 (a)**

+1-571-273-8300
(via fax: 2 + 20 pages)

U.S. Patent and Trademark Office
ATTN: **Office of Petitions**
Customer Service Window, Mail Stop **Petition**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Dear Sir,

This is a petition to withdraw holding of abandonment for the above-identified Application No. 10/709,605, which became abandoned on February 26, 2008 due to Applicant's failure to timely file a reply to the Office Action mailed on August 2, 2007. Applicants hereby respectfully submit the below listed evidences to prove the legitimacy of the request under 37 CFR 1.181(a) of the above-identified application.

- ✓ E-mail transmission correspondence for Customer Number 31561 of August 2, 2007 in 2 pages,
- ✓ Notice of Abandonment dated February 26, 2008 in 2 pages,
- ✓ Confirmation Receipt of Facsimile and Petition For Revival filed March 11, 2008 in 16 pages,

Please be kindly advised that the Applicants received a Notice of Abandonment on February 26, 2008 based on the reason that a reply was not timely filed for the above-identified application. However, it is only because of the Applicants did not receive the Office Action mailed on August 2, 2007. Please review the enclosed email correspondence for Customer Number 31561 of August 2, 2007 in 2 pages, there was no record showing an Office communication ever been mailed on August 2, 2007 for the referenced application No. 10/709,605.

Patent

Customer No.: 31561
Docket No.: 12445-US-PA
Application No.: 10/709,603

The Applicants had filed a Petition for Revival of an Application Abandoned Unintentionally under 37 CFR 1.137(b) on March 11, 2008, in order to revive the above-referenced Application and submitted a reply to the Office Action dated August 2, 2007. However, upon a further review of the circumstances of the above-referenced application, the Applicant believes that a petition to withdraw holding of abandonment under 37 CFR 1.181(a) is a more appropriate course of action for reviving the above-referenced application. Applicant thereby requests the Office to suspend the Petition for Revival of an Application Abandoned Unintentionally under 37 CFR 1.137(b) filed on March 11, 2008, if it is deemed appropriate.

Since the Applicant never received the Office action mailed August 2, 2007, the abandonment of the above-identified application by the Office is inappropriate and a withdrawal of the holding of abandonment under 37 CFR 1.181(a) is courteously solicited.

Thank you for your attention and assistance in this regard. Should you have any questions or need any further information, please feel free to contact the undersigned.

Date: March 21, 2008By: Belinda Lee
Belinda Lee
Registration No.: 46,863

Please send future correspondence to:

7F. -1, No. 100, Roosevelt Rd.,

Sec. 2, Taipei 100, Taiwan, R.O.C.

Tel: 886-2-2369 2800 Fax: 886-2-2369 7233 / 886-2-2369 7234

E-MAIL: BELINDA@JCIPGroup.com.tw; USA@JCIPGroup.com.tw

Patent

Customer No.: 31561
Docket No.: 12445-US-PA
Application No.: 10/709,605

The Applicants had filed a Petition for Revival of an Application Abandoned Unintentionally under 37 CFR 1.137(b) on March 11, 2008, in order to revive the above-referenced Application and submitted a reply to the Office Action dated August 2, 2007. However, upon a further review of the circumstances of the above-referenced application, the Applicant believes that a petition to withdraw holding of abandonment under 37 CFR 1.181(a) is a more appropriate course of action for reviving the above-referenced application. Applicant thereby requests the Office to suspend the Petition for Revival of an Application Abandoned Unintentionally under 37 CFR 1.137(b) filed on March 11, 2008, if it is deemed appropriate.

Since the Applicant never received the Office action mailed August 2, 2007, the abandonment of the above-identified application by the Office is inappropriate and a withdrawal of the holding of abandonment under 37 CFR 1.181(a) is courteously solicited.

Thank you for your attention and assistance in this regard. Should you have any questions or need any further information, please feel free to contact the undersigned.

Respectfully Submitted,
JIANQ CHYUN Intellectual Property Office

Date: March 21, 2008

By: Belinda Lee
Belinda Lee
Registration No.: 46,863

Please send future correspondence to:
7F. -1, No. 100, Roosevelt Rd.,
Sec. 2, Taipei 100, Taiwan, R.O.C.
Tel: 886-2-2369 2800 Fax: 886-2-2369 7233 / 886-2-2369 7234
E-MAIL: BELINDA@JCIPGroup.com.tw; USA@JCIPGroup.com.tw

Lia

寄件者: "JCenter" <jcenter@home.jcipo.com.tw>
收件者: "劉如涓" <lia@home.jcipo.com.tw>
傳送日期: 2007年8月3日 上午 07:27
主旨: Fw: Private PAIR Correspondence Notification for Customer Number 31561

----- Original Message -----

From: PAIR_eOfficeAction@USPTO.GOV
To: USA@JCIPGROUP.COM.TW
Cc: PAIR_eOfficeAction@USPTO.GOV
Sent: Thursday, August 02, 2007 6:47 PM
Subject: Private PAIR Correspondence Notification for Customer Number 31561

Aug 02, 2007 06:46:58 AM

Dear PAIR Customer:

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100 ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

The following USPTO patent application(s) associated with your Customer Number, 31561, have new outgoing correspondence. This correspondence is now available for viewing in Private PAIR.

The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

Application Attorney Docket No.

10709609	12790-US-PA
10710420	12978-US-PA
10904295	14324-US-PA
10904824	12745-US-PA
11161312	15363-US-PA
11307043	15364-US-PA-1
11307131	11986-US-PA-OP
11459361	19566-US-PA
11470629	21291-US-PA

To view your correspondence online or update your email addresses, please visit us anytime at
<https://portal.uspto.gov/secure/myportal/privatepair>.

If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov or call 1-866-217-9197 during the following hours:

Monday - Friday 6:00 a.m. to 12:00 a.m. Eastern Standard Time (EST)

21. MAR. 2008 16:03

JIANQ CHYUN

NO. 800

P. 4

Thank you for prompt attention to this notice,

UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,605	05/18/2004	John C. Wang	12445-US-PA	3604

EXAMINER	
HERNANDEZ, NELSON D	

ART UNIT	PAPER NUMBER
2622	

NOTIFICATION DATE	DELIVERY MODE
02/26/2008	ELECTRONIC

31561 7590 02/26/2008
 JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
 7 FLOOR-1, NO. 100
 ROOSEVELT ROAD, SECTION 2
 TAIPEI, 100
 TAIWAN

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USA@JCIPGROUP.COM.TW

ab

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MAR 21 2008


Notice of Abandonment	Application No.	Applicant(s)	
	10/709,605	WANG ET AL.	
	Examiner	Art Unit	
	Nelson D. Hernández	2622	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 02 August 2007.
 - ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - ☒ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - ☐ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☒ The reason(s) below:

No timely response to the Office Action mailed on August 2, 2007 has been filed.


 LIN YE
 SUPERVISORY PATENT EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 20080211

TRANSACTION REPORT

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MAR-11-2008 TUE 16:12

FOR:

SEND

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	HNO. DP
MAR-11	16:09	00215712738300	3' 43"	15	FAX TX	OK	417

TOTAL : 3M 43S PAGES: 15

Patent

Customer No.: 31561
Docket No.: 12445-US-PA
Application No.: 10/709,605

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Applicant : Wang et al.
Application No. : 10/709,605
Filed : May 18, 2004
For : HANDHELD ELECTRONIC DEVICE
Art Unit : 2622
Examiner : HERNANDEZ, NELSON D

PETITION FOR REVIVAL OF AN APPLICATION ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137 (b)

+1-571-273-8300
(Via fax: 2+10+3 pages)

U.S. Patent and Trademark Office
ATTN: Office of Petitions
Customer Service Window, Mail Stop Petition
Commissioner for Patents,
P.O. Box 1450,
Alexandria, VA 22313-1450

Dear Sir,

This is a petition for revival of the above-identified application which became

21. MAR. 2008 16:04

JIANQ CHYUN

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NO. 800 P. 8

Patent

MAR 21 2008

Customer No.: 31561
Docket No.: 12445-US-PA
Application No.: 10/709,605

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Applicant : Wang et al.
Application No. : 10/709,605
Filed : May 18, 2004
For : HANDHELD ELECTRONIC DEVICE
Art Unit : 2622
Examiner : HERNANDEZ, NELSON D

**PETITION FOR REVIVAL OF AN APPLICATION ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

+1-571-273-8300
(Via fax: 2+10+3 pages)

U.S. Patent and Trademark Office

ATTN: Office of Petitions

PAGE 9/23 * RCVD AT 3/21/2008 3:53:24 AM [Eastern Daylight Time] * SVR:USPTO-EFXXRF-4/3 * DNIS:2738300 * CSID:886223697233 * DURATION (mm-ss):07-04

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Patent

Customer No.: 31561
Docket No.: 12445-US-PA
Application No.: 10/709,605

(3) Statement establishing that the entire delay was unintentional

Applicants hereby declare that the entire delay to timely submit a response to the above-noted Office Action until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Thank you for your attention and assistance in this regard. Should you have any questions or need any further information, please feel free to contact the undersigned.

Respectfully Submitted,
JIANQ CHYUN Intellectual Property Office

21. MAR. 2008 16:07

JIANQ CHYUN

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MAR 21 2008

NO. 800

P. 20

PTO/SB/64 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
12445-US-PA

First named inventor: John C. Wang

Application No.: 10/709,805

Art Unit: 2622

Filed: May 18, 2004

Examiner: Hemandaz, Nelson D.

Title: HANDHELD ELECTRONIC DEVICE

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Response to Restriction Requirement in 10 pages (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

MAR 21 2008

PTO/SB/64 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Belinda Lee
Signature

Belinda Lee

Typed or printed name

Jianq Chyun Intellectual Property Office 7th Floor-1, No. 100.

Address

Roosevelt Road, Section 2, Taipei, Taiwan 100

Address

March 11, 2008
Date

46863

Registration Number, if applicable

011-886-2-2369-2800

Telephone Number

Enclosures: ☐ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.